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28 *Attorneys for Plaintiff Bobbie Brown*

*Attorneys for Walgreens Boots Alliance, Inc.*

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,  
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

M.P.B., *on behalf of himself and all others similarly situated,*

Case No. 4:16-cv-02810-YGR

Plaintiff,

V.

THERANOS, INC., and DOES 1 through 10, inclusive,

**STIPULATION AND [PROPOSED]  
ORDER CONSOLIDATING RELATED  
CASES, ORDERING FILING OF A  
CONSOLIDATED AMENDED  
COMPLAINT, AND SETTING INITIAL  
CASE SCHEDULE**

## Defendants.

R.G., *on behalf of himself and all others similarly situated,*

Case No. 4:16-cv-02891-YGR

Plaintiff.

V.

THERANOS, INC., WALGREENS  
BOOTS ALLIANCE, INC. and  
DOES 1 through 10, inclusive,

## Defendants.

C.M. and S.G., *on behalf of themselves and all others similarly situated,*

Case No. 4:16-cv-03349-YGR

## Plaintiffs,

V.

## **THERANOS, INC. and WALGREENS BOOTS ALLIANCE, INC.,**

## Defendants

1  
2 BRIAN MALTESE, *individually and on*  
*behalf of all others similarly situated,*

3 Plaintiff,

4 v.

5 THERANOS, INC.

6 Defendant.

7  
8 Case No. 4:16-cv-03418-YGR

9 BOBBIE BROWN, *individually and on*  
*behalf of all others similarly situated,*

10 Plaintiff,

11 v.

12 THERANOS, INC.

13 Defendant.

14  
15 Case No. 4:16-cv-03454-YGR

16 L.M., *individually and on behalf of all*  
*others similarly situated,*

17 Plaintiff,

18 v.

19 THERANOS, INC. and WALGREENS  
BOOTS ALLIANCE, INC.,

20 Defendants.

21  
22 Case No. 4:16-cv-3571-YGR

23 This stipulation is entered into by and among Plaintiffs M.P.B., R.G., C.M., S.G., Brian  
24 Maltese, Bobbie Brown, and L.M. and Defendants Theranos, Inc. (“Theranos”) and Walgreens  
25 Boots Alliance, Inc. (“Walgreens”), by and through their respective counsel.

26 WHEREAS, Plaintiffs filed the above actions between May 25, 2016 and June 24,  
27 2016; and

28  
STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,  
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

1           WHEREAS, given the related nature of these cases, the parties are discussing proposals  
2 for their coordination, as well as for the coordination of four similar pending putative class  
3 actions in the District of Arizona; and  
4

5           WHEREAS, all parties agree these cases are based on similar factual allegations and  
6 legal claims, such that consolidation under Federal Rule of Civil Procedure 42(a) is  
7 appropriate; and

8           WHEREAS, all parties agree that prosecution of Plaintiffs' claims will proceed most  
9 efficiently with a single complaint; and

10          WHEREAS, Plaintiffs believe that Plaintiffs' counsel should be organized in a Court-  
11 approved leadership structure, and counsel for all Plaintiffs are engaged in active discussions to  
12 determine the best leadership structure for Plaintiffs and the proposed class members;

14          WHEREAS, the Court has set an Initial Case Management Conference pursuant to  
15 Federal Rule of Civil Procedure 16(b); and

16          WHEREAS, all parties agree, and respectfully submit to the Court, that the Initial Case  
17 Management Conference would be more useful and productive once a leadership structure for  
18 Plaintiffs' counsel has been determined, and the Consolidated Amended Complaint has been  
19 filed;

21          IT IS ACCORDINGLY STIPULATED, by and between undersigned counsel, that:

22          1. The lowest numbered case, Case No. 4:16-cv-02810, shall be restyled *In re Theranos, Inc. Consumer Litigation* and serve as the lead case for filing purposes. The parties  
23 shall file all documents in the docket of that case. Filed documents shall bear the  
24 following caption:

27 **IN RE THERANOS, INC. CONSUMER LITIGATION**

28 Case No. 4:16-cv-02810-YGR

- 1        1. Within forty-five (45) days of the date of this Stipulation, Plaintiffs shall file either:
- 2            a. a joint motion for appointment of Interim Class Counsel and a leadership
- 3                structure under Fed. R. Civ. P. 23(g)(3), or
- 4            b. if Plaintiffs are unable to agree on Interim Class Counsel and a leadership
- 5                structure, individual Rule 23(g)(3) motions, such motions not to exceed five
- 6                pages, excluding exhibits.
- 7
- 8        2. Plaintiffs shall file a Consolidated Amended Complaint within thirty days after the
- 9                Court appoints Interim Class Counsel.
- 10      3. Theranos and Walgreens shall answer or otherwise respond to the Consolidated
- 11                Amended Complaint no more than forty-five days after Plaintiffs file the
- 12                Consolidated Amended Complaint, and need not answer or respond to any earlier-
- 13                filed complaint in the consolidated cases.
- 14
- 15      4. The Initial Case Management Conference, which is currently set for September 26,
- 16                2016, would be more useful and productive if it were continued to a date after
- 17                Plaintiffs file a Consolidated Amended Complaint.
- 18
- 19      5. Any other actions asserting claims that are the same as or similar to the claims
- 20                asserted in the above-captioned cases, subsequently filed in, or transferred to, this
- 21                District shall be consolidated with this action for all purposes.
- 22
- 23      6. No portion of this stipulation may be used in any way in support of class certification.
- 24
- 25      7. This stipulation shall be without prejudice to the rights of any party to seek transfer to
- 26                another judicial district or to seek dismissal of action(s) filed in this district.
- 27

25      Dated: August 19, 2016

26      MCCUNE WRIGHT LLP

27      /s/ Richard D. McCune

28      Richard D. McCune (SBN 132124)

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Shana E. Scarlett

Shana E. Scarlett (SBN 217895)

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,  
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

1 Attorney for Plaintiffs M.P.B. and R.G.  
2

3 GIRARD GIBBS LLP  
4

5 /s/ Eric H. Gibbs  
6 Eric H. Gibbs (SBN 178658)  
7 Attorney for Plaintiffs C.M. and S.G.  
8

9 KELLER ROHRBACK LLP  
10

11 /s/ Jeffrey Lewis  
12 Jeffrey Lewis (SBN 66587)  
13 Attorney for Plaintiff L.M.  
14

15 Attorney for Plaintiff Brian Maltese  
16

17 KAPLAN FOX & KILSHEIMER LLP  
18

19 /s/ Laurence D. King  
20 Laurence D. King (SBN 206423)  
21 Attorney for Plaintiff Bobbie Brown  
22

23 WILKINSON WALSH + ESKOVITZ LLP  
24

25 /s/ Sean Eskovitz  
26 Sean Eskovitz (SBN 241877)  
27 Attorney for Defendant Theranos, Inc.  
28

WEIL GOTSHAL & MANGES LLP

/s/ Diane P. Sullivan  
Diane P. Sullivan (admitted *pro hac vice*)

/s/ David R. Singh  
David R. Singh (SBN 300840)

Attorneys for Walgreens Boots Alliance, Inc.

Pursuant to General Order No. 45 Section X(B), all signatories concur in filing this stipulation.

Dated: August 19, 2016

By: /s/ Sean Eskovitz  
Sean Eskovitz (SBN 241877)  
Attorney for Defendant Theranos, Inc.

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,  
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*M.P.B., on behalf of himself and all others similarly situated,*

Case No. 4:16-cv-02810-YGR

Plaintiff,

## [PROPOSED] ORDER

THERANOS, INC., and DOES 1 through 10, inclusive,

## Defendants.

R.G., *on behalf of himself and all others similarly situated,*

Case No. 4:16-cv-02891-YGR

Plaintiff,

1

THERANOS, INC., WALGREENS  
BOOTS ALLIANCE, INC. and  
DOES 1 through 10, inclusive,

## Defendants.

C.M. and S.G., *on behalf of themselves and all others similarly situated,*

Case No. 4:16-cv-03349-YGR

Plaintiffs,

V

## **THERANOS, INC. and WALGREENS BOOTS ALLIANCE, INC.,**

## Defendants.

1  
2 BRIAN MALTESE, *individually and on*  
*behalf of all others similarly situated,*

3 Plaintiff,

4 v.

5 THERANOS, INC.

6 Defendant.

Case No. 4:16-cv-03418-YGR

8 BOBBIE BROWN, *individually and on*  
*behalf of all others similarly situated,*

10 Plaintiff,

11 v.

12 THERANOS, INC.

13 Defendant.

Case No. 4:16-cv-03454-YGR

15 L.M., *individually and on behalf of all*  
*others similarly situated,*

16 Plaintiff,

17 v.

18 THERANOS, INC. and WALGREENS  
19 BOOTS ALLIANCE, INC.,

20 Defendants.

Case No. 4:16-cv-3571-YGR

21  
22 The Court finds that the six above-captioned cases (*M.P.B. v. Theranos, Inc.; R.G. v.*  
*Theranos, Inc., et al.; C.M., et al. v. Theranos, Inc., et al.; Maltese v. Theranos, Inc.; Brown v.*  
*Theranos, Inc.; and L.M. v. Theranos, Inc., et al.*) are based on similar factual allegations and  
23 legal claims, such that consolidation will save time and effort. The Court therefore **ORDERS**  
24 the above-captioned cases consolidated pursuant to Federal Rule of Civil Procedure 42.  
25

26 The Court further **ORDERS**:

1. The lowest numbered case, Case No. 4:16-cv-02810, shall be restyled *In re Theranos, Inc. Consumer Litigation* and serve as the lead case for filing purposes. The parties shall file all documents in the docket of that case. Filed documents shall bear the following caption:

## **IN RE THERANOS, INC. CONSUMER LITIGATION**

Case No. 4:16-cv-02810-YGR

1. Within forty-five (45) days of the parties' Stipulation, Plaintiffs shall file either:
  - a. a joint motion for appointment of Interim Class Counsel and a leadership structure under Fed. R. Civ. P. 23(g)(3); or
  - b. if Plaintiffs are unable to agree on Interim Class Counsel and a leadership structure, individual Rule 23(g)(3) motions, such motions not to exceed five pages, excluding exhibits.
2. Plaintiffs shall file a Consolidated Amended Complaint within thirty days after the Court appoints Interim Class Counsel; and
3. Theranos and Walgreens shall answer or otherwise respond to the Consolidated Amended Complaint no more than forty-five days after Plaintiffs file the Consolidated Amended Complaint, and need not answer or respond to any earlier-filed complaint in the consolidated cases.
4. The Initial Case Management Conference, which is currently set for September 26, 2016, shall be rescheduled for \_\_\_\_\_, 2016 at \_\_\_\_\_.m.
5. Any other actions asserting claims that are the same as or similar to the claims asserted in the above-captioned cases, subsequently filed in, or transferred to, this District shall be consolidated with this action for all purposes.
6. No portion of this Order may be used in any way in support of class certification.

## STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,  
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

7. This Order is entered without prejudice to the rights of any party to seek transfer to another judicial district or to seek dismissal of action(s) filed in this district.

## IT IS SO ORDERED.

Dated: \_\_\_\_\_

Yvonne Gonzalez Rogers  
United States District Judge